

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----x  
PATRICIA G. WILLIAMS,

Plaintiff,

-against-

TRE'LLA BERNARD, *et al.*,

Defendants.  
-----x

FILED  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT  
★ ★

BROOKLYN OFFICE

MEMORANDUM AND ORDER  
No. 05-CV-3202 (FB) (CLP)

*Appearances:*

*For the Plaintiff:*

LARINZO D. CLAYTON, ESQ.  
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190 W. Merrick Road, Suite 3B  
Freeport, NY 11520

*For the Defendants:*

TRELLA BERNARD, PRO SE  
3017 Thomas Lane  
Augusta, GA 30906

RAYMOND BERNARD, PRO SE  
3017 Thomas Lane  
Augusta, GA 30906

**BLOCK, Senior District Judge:**

On August 2, 2007, Magistrate Judge Cheryl L. Pollak issued a Report and Recommendation ("R & R") recommending that defendants' motion to vacate the default be granted. The R & R states that "[a]ny objections to this Report and Recommendation must be filed with the Clerk of the Court . . . within ten (10) days of receipt of this Report. Failure to file objections within the specified time waives the right to appeal the District Court's Order." R&R at 14. To date, no objections have been filed.

Where, as here, clear notice has been given of the consequences of failure to object, and there are no objections, the Court may adopt the R & R without *de novo* review. See *Thomas v. Arn*, 474 U.S. 140, 149-50 (1985); *Mario v. P & C Food Mkts., Inc.*, 313 F.3d 758,

766 (2d Cir. 2002) ("Where parties receive clear notice of the consequences, failure timely to object to a magistrate's report and recommendation operates as a waiver of further judicial review of the magistrate's decision."). The Court will excuse the failure to object and conduct *de novo* review if it appears that the magistrate judge may have committed plain error. See *Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000).

As no error appears on the face of the Magistrate Judge Pollack's R & R, the Court adopts it without *de novo* review. The Clerk is directed to vacate the default judgment and reopen the case.

SO ORDERED.

/S/  
FREDERIC BLOCK  
Senior United States District Judge

Brooklyn, New York  
August 22, 2007